

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

*In re BP p.l.c. Securities Litigation*

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This document relates to:

*Alameda County Employees' Retirement Association v. BP p.l.c.*

*Avalon Holdings Inc. v. BP p.l.c.*

*South Yorkshire Pensions Authority v. BP p.l.c.*

*Mondrian Global Equity Fund, L.P. v. BP p.l.c.*

*Stichting Pensionenfonds Metaal en Techniek v. BP p.l.c.*

*HESTA Super Fund v. BP p.l.c.*

*New York City Employees' Retirement System v. BP p.l.c.*

*Nova Scotia Health Employees' Pension Plan v. BP p.l.c.*

*Arkansas Teacher Retirement System v. BP p.l.c.*

*The Bank of America Pension Plan v. BP p.l.c.*

*Deka Investment GmbH v. BP p.l.c.*

*DiNapoli v. BP p.l.c.*

*IBM United Kingdom Pension Trust Limited v. BP p.l.c.*

*Merseyside Pension Fund v. BP p.l.c.*

*Pension Reserves Investment Management Board of Mass. v. BP p.l.c.*

*Universities Superannuation Scheme Ltd. v. BP p.l.c.*

*Virginia Retirement System v. BP p.l.c.*

*Washington State Investment Board v. BP p.l.c.*

No. 4:10-md-02185

No. 4:12-cv-01256 (cons.)

No. 4:12-cv-03715

No. 4:12-cv-02362 (cons.)

No. 4:12-cv-03621

No. 4:13-cv-00069

No. 4:13-cv-00129

No. 4:13-cv-01393

No. 4:13-cv-03397

No. 4:14-cv-00457

No. 4:14-cv-01418

No. 4:14-cv-01073

No. 4:14-cv-01083

No. 4:14-cv-01279

No. 4:14-cv-01281

No. 4:14-cv-01084

No. 4:14-cv-01280

No. 4:14-cv-01085

No. 4:14-cv-00980

Honorable Keith P. Ellison

JURY TRIAL DEMANDED

**ORAL ARGUMENT REQUESTED**

**DEFENDANTS' MOTION TO DISMISS PLAINTIFFS' AMENDED COMPLAINTS**

Pursuant to Rules 9(b) and 12(b)(6) of the Federal Rules of Civil Procedure and 28 U.S.C. § 1658(b), Defendants BP p.l.c., BP America Inc., BP Exploration & Production Inc., Anthony Hayward, Douglas Suttles, Andrew Inglis, H. Lamar McKay, Robert Dudley, Robert Malone, John Browne, Peter Sutherland, Carl-Henric Svanberg, and William Castell (collectively, “Defendants”) respectfully move to dismiss the amended complaints filed by Plaintiffs in the above-captioned actions.

Defendants move to dismiss (i) all “holder claims” based on alleged misstatements that occurred after an individual plaintiff’s last purchase of BP stock; (ii) all claims based on new alleged misstatements not previously addressed by the Court’s prior decisions; (iii) all claims alleged by plaintiffs in the DiNapoli and Massachusetts actions based on an unattributed statement about OMS in BP’s 2009 Sustainability Report that this Court has previously dismissed; (iv) negligent misstatement claims filed in Texas that are time-barred; (v) Exchange Act claims against Individual Defendants Andrew Inglis, Lord John Browne, Peter Sutherland, Carl-Henric Svanberg and William Castell, against whom no statements are actionable under Section 10(b) of the Exchange Act; and (vi) all claims against Individual Defendant Robert Malone, against whom no actionable statements are alleged.

The grounds for this motion are fully set forth in Defendants’ Memorandum of Law in Support of Their Motion to Dismiss Plaintiffs’ Amended Complaints, and supported by the Declaration of Georgia L. Lucier and its accompanying exhibits filed concurrently herewith.

Dated: September 28, 2016  
Houston, Texas

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Respectfully submitted,

/s/ Thomas W. Taylor

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the above and foregoing Motion has been served by electronic CM/ECF filing, on this 28th day of September, 2016.

*/s/ Thomas W. Taylor*

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Thomas W. Taylor